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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,566	08/09/2000	Michael J. Seaman	CMET 1001-2	5067
22470	7590	10/27/2004	EXAMINER	
HAYNES BEFFEL & WOLFELD LLP P O BOX 366 HALF MOON BAY, CA 94019			BROWN, TIMOTHY M	
			ART UNIT	PAPER NUMBER
			1648	

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

### Application No.

09/634,566

### Applicant(s)

SEAMAN ET AL.

### Examiner

Tim Brown

### Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-53 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-53 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

The Request for Reconsideration mailed April 13, 2004 is persuasive. Accordingly, the outstanding rejections are withdrawn and prosecution is reopened.

#### ***Claim Objections***

The claims are objected to because there are two instances of claim 33. The first instance of claim 33 has been treated as if numbered claim 32 for examination purposes. Correction of the claim numbering is required.

#### ***Claim Rejections 35 USC § 112, Second Paragraph***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected to for being indefinite. These claims are indefinite because independent claim 1 recites "in response to the signal indicating acceptance . . ." yet fails to recite any step where an acceptance signal is actually transmitted. Claims 1-20 are therefore indefinite for failing to include an essential step.

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1, 5-14 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Pallakoff (US 6,269,343 B1).**

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Pallakoff teaches a method for provisioning services to a plurality of parties, comprising:

a first party identifying attributes of a service to be shared with a second party, wherein identifying occurs over a service provider infrastructure (Fig. 2, char. 23; Fig. 3, chars. 33 and 34; and col. 6, lines 49-54);

offering participation in the service to the second party over an interface that allows the second party to indicate acceptance of the service according to the identified attributes (Fig. 2, char. 28; Fig. 3, char. 34; Fig. 5, chars. 56 and 57; col. 6, lines 64-66; col. 7, lines 7-10; and col. 10, lines 40-56);

executing a process to provision the service to the first and second party, wherein provisioning occurs over the infrastructure (Fig. 3, char. 37; col. 5, lines 38-41; col. 8, lines 63-65; and col. 11, lines 63-65);

displaying an image prompting a user to create a logical instance of the service on behalf of the first party, wherein the offering of participation includes displaying an image prompting a user to connect to signal acceptance for the second party (col. 6, lines 63-67);

displaying an image prompting a user to offer the service to another party on behalf of the first party (Id.);

sending the service attributes to the service provider for use in said provisioning.

According to claim 9, the offering and executing steps are performed for an additional party, but in the same manner as with the second party. Pallakoff meets this limitation because Pallakoff allows a first party to offer participation to a number of parties (i.e. a second party and an additional party) (see col. 10, lines 52-56).

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 1, 5-14 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (US 6,269,343 B1).**

Assuming, *arguendo*, Pallakoff did not teach providing an interface by which the first party identifies more than one service attribute, it would have been obvious to modify Pallakoff to include this step. This is because one of ordinary skill in the art would have appreciated that identifying more than one attribute, as by an item hierarchy or menu, would have allowed Pallakoff to offer a variety of products in an organized manner.

**Claims 2-4, 15, 16, 18, 19 and 21-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (US 6,269,343 B1) in view of Daleen et al. (US 6,493,722 B1).**

Regarding claims 15, 16, 18, and 19, Pallakoff teaches all the limitations noted above. Pallakoff does not expressly teach applying its teachings to the various services recited in claims 15, 16, 18 and 19. However, Daleen et al. teach providing a group purchasing method wherein buyers aggregate their demand to obtain lower prices for communication services, and utilities including gas, electric and water (col. 4, lines 34-40). Both Pallakoff and Daleen et al. teach using group purchasing to achieve a price discount. For at least this reason, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention, to apply Pallakoff to the purchase of the services as claimed.

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Regarding claims 2-4, 21-32 and 37-53, Pallakoff does not expressly teach establishing a communication link according to the service accounts of one or more parties, verifying whether the service accounts support the service, and offering the service to those one or more parties that have a verified service provider account. Note that this limitation is essentially drawn to an automatic connection protocol that offers a service upon verifying that a client computer is configured to receive the service. This feature is taught by Daleen et al. (abstract, lines 1-6). At the time of Applicants' invention, it would have been obvious to modify Pallakoff to include the teachings of Daleen et al. Not only do both references relate to the group purchasing of services, but Daleen et al.'s teachings would provide system compatibility therefore ensuring communication between its buyers and system provider. Note that it would have been obvious to apply Pallakoff to the provisioning of the various claimed services for the same reasons as noted under claims 15, 16, 18, and 19 above.

**Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pallakoff (US 6,269,343 B1) in view of Official Notice.**

Pallakoff does not expressly teach a secure Internet protocol. However, Official Notice is taken that using a secure Internet protocol to perform an online transaction was old and well known at the time of Applicant's invention. Moreover, the skilled artisan would have recognized that a secure network would have provided Pallakoff with a secure transaction environment. Therefore, at the time of Applicants' invention, it would have been obvious to modify Pallakoff to include a secure Internet protocol.

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**Conclusion**

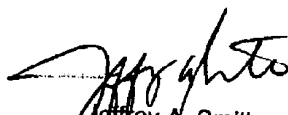
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tim Brown whose telephone number is (571) 272-0773. The examiner can normally be reached on Monday - Friday, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Housel can be reached on (571) 272-0902. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tim Brown  
Examiner  
Art Unit 1648

tb

  
Jeffrey A. Smith  
Primary Examiner